

REMARKS

INTRODUCTION:

In accordance with the foregoing, claims 17-19 have been canceled, without prejudice or disclaimer, and claims 1, 2, 8, and 15 have been amended to improve clarity of the recitations provided therein. No new matter is being presented, and approval and entry are respectfully requested.

Claims 1-16 are pending and under consideration. Reconsideration is requested.

ENTRY OF AMENDMENT UNDER 37 C.F.R. § 1.116:

Applicant requests entry of this Rule 116 Response because the amendments of claims 1, 2, 8, and 15 should not entail any further search by the Examiner since no new features are being added or no new issues are being raised; and the amendments do not significantly alter the scope of the claims and place the application at least into a better form for purposes of appeal. No new features or new issues are being raised.

The Manual of Patent Examining Procedures sets forth in Section 714.12 that "any amendment that would place the case either in condition for allowance or in better form for appeal may be entered." Moreover, Section 714.13 sets forth that "the Proposed Amendment should be given sufficient consideration to determine whether the claims are in condition for allowance and/or whether the issues on appeal are simplified." The Manual of Patent Examining Procedures further articulates that the reason for any non-entry should be explained expressly in the Advisory Action.

REJECTION UNDER 35 U.S.C. § 112:

In the Office Action, at page 6, claims 1-16 were rejected under 35 U.S.C. § 112, second paragraph, for the reasons set forth therein. This rejection is traversed and reconsideration is requested.

According to the Office Action, the recitation "type of photographic device" is not defined in the Specification. Applicants respectfully traverse such contention. On page 2 of the Specification, the following is described, "even with a medical image photography device of the same device type, the setting condition for photography of the medical image photography

device differs with a hospital in which the medical image photography device is installed, or there is a difference in a hospital doctor's liking and experience in observation, and in this case it is a problem to provide individual hospitals or individual users with the medical image easy to observe." Applicants respectfully assert that a person of ordinary skill in the pertinent art would understand, in view of the description provided above and in view of the entire Specification, that the type of photography device is any type of medical image photography device that are used in the field of the invention.

Thus, it is respectfully asserted that the Specification provides adequate support for the recitations in the claims and it is respectfully requested that the rejection to the claims be withdrawn.

CHANGES TO THE SPECIFICATION:

The specification has been reviewed in response to this Office Action. Changes have been made to the specification only to place it in preferred and better U.S. form for issuance and to resolve the Examiner's objections raised in the Office Action. No new matter has been added as there is support for the changes in portions of the specification and drawings as originally filed.

Applicants respectfully assert that descriptions corresponding to Tables 1 to 3 are provided throughout the Specification. Tables 1-3 are fully supported throughout the Specification, for instance, on page 41 of the Specification. However, Applicants have proceeded to delete lines 16-17 in page 20 of the Specification for a purpose of improving clarity of the present invention. It is respectfully requested that the objections to the Specification be withdrawn.

REJECTION UNDER 35 U.S.C. § 102:

In the Office Action, at page 7, claims 1-3 and 5-16 are rejected under 35 U.S.C. § 102 in view of U.S. Patent No. 6,502,984 to Ogura et al ("Ogura '984"). This rejection is traversed and reconsideration is requested.

According to the Office Action, Fig. 29, column 16, lines 42-46, and column 17, lines 9-14 of Ogura '984 describe the recitations of the image processing condition storing section recited in independent claims 1 and 2. Applicants respectfully disagree. An image process condition determining means 75 described in Ogura '984 has a function of determining image process conditions of the image process means 73 on the basis of visible image information obtained by

the visible image photographing means 72. Column 16, lines 42-46, of Ogura '984 describes an image process condition determining means 75 comprising an irradiation field determining means for determining the field of irradiation, since the field of irradiation can be adjusted to an arbitrary size by a movable aperture stop 79 of the radiation generating means 70 and dividing a radiographic sensing region B into an irradiated region B1 and a non-irradiated region B2 masked by the movable aperture stop 79.

However, the image process condition determining means 75 of Ogura '984 fails to teach or suggest **storing "an image processing condition ... in accordance with the type of the photography device and the part of the target** when the radiation image is obtained," emphasis added, as recited in independent claim 1. Rather, according to Ogura '984, the field of irradiation is determined, adjusting the field of irradiation, and dividing the region B into the irradiated region B1 and the non-irradiated region B2.

Column 17, lines 9-14, of Ogura '984 describes that when the image process condition determining means 75 comprises a photographing portion determining means for determining the photographing portion of the object S, a binary image F shown in FIG. 37 is generated by visible image information obtained by the visible image photographing means 72 by binarization. However, other than describing determining the photographing portion of an object and generating the binary image, nothing in Ogura '984 teaches or suggests "an image processing condition storing section to store an image processing condition, when the radiation image is subjected to the image processing, in accordance with the type of the photography device **and the part of the target** when the radiation image is obtained," emphasis added, as recited in independent claim 1.

Fig. 29 of Ogura '984 describes a radiographic image photographing means 71 connected to an image process means 73 allowing histogram analysis. See column 15, lines 40-65. With the arrangement shown in Fig. 29, the image process condition determining means 75 has a function of determining the image process conditions of the image process means 73 on **the basis of visible image information** obtained by the visible image photographing means 72. Emphasis added. However, the image process condition are not determined based on "**the type of the photography device and the part of the target** when the radiation image is obtained," emphasis added, as recited in independent claim 1.

Rather, Ogura '984 does not describe storing an image processing condition, rather, as shown in Fig. 9 of the cited reference, Ogura '984 limits its description to storing unphotographed films F or photographed films F', but nothing more. The cited reference fails to

teach or suggest all the recitations of the image processing condition storing section.

Further, it is respectfully indicated that the irradiation field size of Ogura '984 is improperly viewed to be the same as "the type of the photography device," as a size of a field cannot be the same or equivalent to a device, no matter how broadly construed. It is the Applicants' position that a person of ordinary skill in the art would not interpret a photographic device of a type to be same as the size of a field.

Further, the Office Action refers to Fig. 29 and column 15, lines 49-53 as describing the recitations of the image processing section recited in independent claims 1 and 2. However, as previously indicated, Fig. 29 limits to the image process condition determining means 75 having the function of determining the image process conditions of the image process means 73 on **the basis of visible image information** obtained by the visible image photographing means 72. Further, the referred portion of column 15 of Ogura '984 provides the radiographic image photographing means 71 connected to an image process means 73, which has image process functions of histogram analysis, gradation correction, frequency emphasis, and the like of image information obtained by the radiographic image photographing means 71. However, nothing in the referred portion of the cited reference or anywhere else in the reference, is there a teaching or suggestion of reading from a storing section "the image processing condition corresponding to the **same** type of the photography device **and** the same part of the target **as** the type of the photography device and the part of the target obtained by said data obtaining section," emphasis added, as recited in independent claim 1. There is reading based on a correspondence of type of photography device and photography conditions as in the present invention.

Because independent claims 2, 15 and 16 include similar claim features as those recited in independent claim 1, although of different scope, and because the Office Action refers to similar portions of the cited references to reject independent claim 1, the arguments presented above supporting the patentability of independent claim 1 are incorporated herein to support the patentability of independent claims 2, 15 and 16.

In view of the foregoing, it is respectfully requested that independent claims 1, 2, 15 and 16 and related dependent claims be allowed.

REJECTION UNDER 35 U.S.C. § 103:

In the Office Action, at page 11, claim 4 is rejected under 35 U.S.C. § 103 in view of U.S. Patent No. 6,502,984 to Ogura et al ("Ogura '984") and U.S. Patent No. 6,314,198 to Ogura ("Ogura '198"). The rejection is traversed and reconsideration is requested.

The arguments presented above are incorporated herein to support the patentability of claim 4/1 over Ogura '984.

According to Ogura '198, a radiographic, digital image processing system is provided to process a radiographic, digital image, including a photosensor area defining device for defining an image area corresponding to a location of a photosensor for detecting intensity during radiography on a radiographic. See column 3, lines 1-5. A reference value defining portion 375 receives the data indicating the averages Cave, Rave, Lave supplied from the characteristic amount calculating portion 316, calculates the density reference value (BASE), and outputs data to indicate the density reference value (BASE) calculated to the compression factor defining portion 376 and to the dynamic range compression processing portion 377. See column 36, lines 20-30.

However, other than outputting data indicative of the density reference value, nothing in Ogura '198 teaches or suggests "an image processing condition storing section to store an image processing condition, when the radiation image is subjected to the image processing, in accordance with the type of the photography device **and** the part of the target when the radiation image is obtained," emphasis added, as recited in independent claim 1.

Further, similarly to Ogura '984, Ogura '198 fails to teach or suggest reading from a storing section "the image processing condition corresponding to the **same** type of the photography device **and** the same part of the target **as** the type of the photography device and the photography condition obtained by said data obtaining section," emphasis added, as recited in independent claim 1.

Thus, even assuming, *arguendo*, that Ogura '984 and Ogura '198 were combined, a combination thereof would fail to teach or suggest all the recitations of independent claim 1.

In view of the foregoing, it is respectfully requested that independent claim 1 and related dependent claim 4 be allowed.

CONCLUSION:

In accordance with the foregoing, it is respectfully submitted that all outstanding

objections and rejections have been overcome and/or rendered moot and further, that all pending claims patentably distinguish over the prior art. There being no further outstanding objections or rejections, the application is submitted as being in condition for allowance, which action is earnestly solicited. At a minimum, this Amendment should be entered at least for purposes of Appeal, since it either clarifies and/or narrows the issues for consideration by the Board.

If the Examiner has any remaining issues to be addressed, it is believed that prosecution can be expedited and possibly concluded by the Examiner's contacting the undersigned attorney for a telephone interview to discuss any such remaining issues.

If there are any underpayments or overpayments of fees associated with the filing of this Amendment, please charge and/or credit the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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